

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 14<sup>th</sup> DAY OF FEBRUARY 2005 AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Gary D. Creed	-Chair
	Steve L. Spradlin	-Vice Chair
	Mary W. Biggs	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Steve Sandy	-Zoning Administrator
	Vickie L. Swinney	-Secretary, Board of Supervisors

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Chair called the meeting to order and the Pledge of Allegiance was recited.

### **PUBLIC HEARINGS**

Special Use Permit – Ernie R. and Jacqueline P. Marshall

**Ernie R. and Jacqueline Marshall (Agent: William Tucker, US Cellular) requests a Special Use Permit in Agriculture (A-1) on 138.7329 acres, with possible conditions, on Tax Parcel No. 138-A-51 (Account ID# 005526) for a 249 foot Telecommunications Tower.**

The property is located on the north side of Riner Road and the entrance to the proposed site is located between Harvest Road and Design Lane on Riner Road in the Riner Magisterial District. The property lies within an area designated as a Rural Stewardship Area in the Comprehensive Plan.

The Zoning Administrator provided an overview of the request. An identical request by US Cellular was made on this property in May 2002. The Board of Supervisors approved a Special Use Permit in August 2002 with several conditions, including a maximum height of 199 feet rather than the requested height of 249 feet. Subsequently, US Cellular filed suit against the County in Federal Court in Roanoke. The court ruled against the County and the County

appealed the lower court's decision to the U.S. Court of Appeals and the lower court's decision was reversed. The Court of Appeals ruled that Montgomery County made a legitimate decision in approving a 199 foot structure and had not prohibited cellular service. The approved structure was never constructed and the SUP is now void since it was not constructed within two (2) years of approval.

U.S. Cellular has re-applied for special use permit for a 249 telecommunications tower and an ancilliary facility on a 138 acre site located on the north side of Riner Road. The structure is proposed to be a self-supporting lattice tower requiring lighting per FCC requirements.

At the January 12, 2005 Planning Commission meeting, the Planning Commission did not find the request to be in conformance with the Comprehensive Plan and recommended denial of the request as proposed. The Planning Commission believes the request does not meet the intent or purpose of the comprehensive plan, the proposed site location is in a non-preferred area per the telecommunication siting policies, and the height of the tower (249 ft) on a prominent ridge would be visually intrusive.

The Planning Commission, however, does recommend approval of a SUP for a telecommunications tower at a height not to exceed 199 feet with conditions.

Ernie Marshall, applicant, stated he would waiver the road maintenance fee of \$1,200 per year initially requested. Mr. Marshall was available to answer any questions from the Board.

Glen & Susan Duncan spoke in opposition to the proposed request for a 249 foot telecommunications tower. Mr. Duncan believes that a 249 ft tower would be visually intrusive and the County should try to protect the beautiful ridge line. Mr. & Mrs. Duncan both agreed they could support a stealth tower not to exceed 199 feet versus a lattice type tower.

Crystal Handy spoke in opposition to the proposed request for a telecommunications tower. Ms. Handy stated her property adjoins the proposed tower site and it would literally be in her back yard. She believes the a tower would destroy a beautiful piece of land and ruin the scenic views in Riner. She indicated that there are other locations within the village of Riner that are more suitable to this kind of tower and believes there are sites that can be co-located. She urged the Board of Supervisors to deny this request.

There being no further speakers, the public hearing was closed.

### **PUBLIC ADDRESS SESSION**

Gail Billingsley, on behalf of the YMCA at Virginia Tech, urged the Board of Supervisors to subdivide the old Blacksburg Middle School property to provide flexibility in use for the property. Ms. Billingsley stated the YMCA is still interested in using the building and they would like to schedule a meeting with the Board of Supervisors and Town of Blacksburg to discuss the YMCA's request.

Andrew Schenker addressed the Board of Supervisors concerning Blacksburg's Ellett Nature Park. He expressed a desire that the Park be kept in public ownership as undeveloped green space.

There being no further speakers, the public address session was closed.

## **DELEGATION**

### **New River Community Services**

Lynn Cheanult, New River Valley Community Services Board Executive Director, gave an update on the NRVCSB services for FY 04. Mike Wade, Community Relations and Development Specialist, presented a video about the services provided by the Community Services Board.

## **INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Virginia Department of Transportation (VDOT) - Road Concerns

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Steve L. Spradlin	
James D. Politis	
Annette S. Perkins	
John A. Muffo	
Gary D. Creed	

### **Virginia Department of Transportation – Rural Rustic Road Program (RRR)**

David Clarke, Resident Engineer, presented information in response to various road issues and questions raised by the Board of Supervisors. Mr. Clarke explained the process for the Rural Rustic Road Program. In order for a road to be paved under the RRR program, it must be on the Six Year Road Plan. A road can be added to the Six Year Road list after the list is approved and designated a rural rustic road, but it does require a public hearing.

Mr. Clarke also advised the Board of Supervisors that a new regulation adopted by the Commonwealth Transportation Board would go into effect July 1, 2005 stating that all subdivision ordinances in regard to private streets must comply with this new regulation.

According to Mr. Clarke, Montgomery County's subdivision ordinance does not comply. The County Administrator and County Attorney will be working with the Planning Director and VDOT to determine what needs to be done.

### **OUT OF WORK SESSION**

On a motion by Steve L. Spradlin, seconded by Mary W. Bigg and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Steve L. Spradlin	
James D. Politis	
Annette S. Perkins	
John A. Muffo	
Mary W. Biggs	
Gary D. Creed	

### **CONSENT AGENDA**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated February 14, 2005 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Steve L Spradlin	None
James D. Politis	
Annette S. Perkins	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	

### **Approval of Minutes**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Minutes dated September 27, September 30, October 12, and October 25, 2004 were approved.



**FROM:**

950 General Contingencies (\$1,931)

**TO:**

910 Metropolitan Planning Organization \$1,931

Said resolution transfers appropriated funds from General Contingencies to the Metropolitan Planning Organization for the County's share of local funding.

**A-FY-05-68  
NEW RIVER VALLEY  
PLANNING DISTRICT COMMISSION  
MILITARY BASES GRANT**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

**FROM:**

950 General Contingencies (\$3,800)

**TO:**

910 Other Agencies – NRVPCD \$3,800

Said resolution transfers funds from General Contingencies to the New River Valley Planning District Commission for matching funds for the Virginia Commission on Military Bases Grant.

**A-FY-05-69  
FAMILY FUNCTIONAL THERAPY GRANT  
HUMAN SERVICES DEPARTMENT**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005 for the function and in the amount as follows:

521 Family Functional Therapy \$142,271

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

25216 424401 State Grants \$142,271

Said resolution appropriates Family Functional Therapy Grant funds for FY 05 and administered by the Human Services Department.

**A-FY-05-70  
V-STOP GRANT  
SHERIFF'S DEPARTMENT**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

321 Sheriff Grants \$33,575

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401 V-STOP Grant \$33,575

Said resolution appropriates monies from the state V-STOP Grant program.

**A-FY-05-71  
EMERGENCY SERVICES COORDINATOR GRANT**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

111 Emergency Services Coordinator Grants \$209,332

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02111-424401 State Grants \$209,332

Said resolution appropriates Law Enforcement Terrorism Protection Plan grant funds.

**A-FY-05-72**  
**SHERIFF - RECOVERED COSTS**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

310	Sheriff – State	\$7,477
320	Sheriff – County	\$27,734
321	Sheriff-Grants	<u>250</u>
		\$35,461

The sources of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
424401	Project Lifesaver	\$ 250
441101	Insurance recoveries	\$21,502
419108	Recovered Costs	<u>\$13,709</u>
	Total	\$35,461

Said resolution appropriates recovered costs from deputies working security, reimbursement from the state for deputy training, extraditions, insurance recoveries and from Project Lifesaver funds.

**R-FY-05-140**  
**ACKNOWLEDGE SPEED STUDY**  
**CEDAR ORCHARD DRIVE**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors received a petition from concerned citizens requesting a speed study on Cedar Orchard Drive (SR 1238) from the entrance of Cedar Orchard Drive West to Eheart Street to reduce the speed limit to 25 mph; and

WHEREAS, By resolution dated June 28, 2004 the Board referred said request to the Virginia Department of Transportation for a traffic study on Cedar Orchard Drive (SR 1238) to determine the feasibility of reducing the speed limit; and

WHEREAS, The Resident Engineer has responded that a speed study has been completed by VDoT's Traffic Engineering Division; and

WHEREAS, As a result of the speed study, the Department of Transportation does recommend reducing the speed limit to 25 mph and signs will be installed as the work schedule permits.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of the Resident Engineer's report that a speed limit of 25 mph will be posted on Cedar Orchard Drive and extends its appreciation to the Virginia Department of Transportation for the report.

**R-FY-05-141**  
**ACKNOWLEDGE SPEED STUDY**  
**TURNBERRY LANE (SR 1097)**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Board of Supervisors expressed concerns relative to conditions and safety on Turnberry Lane (SR 1097); and

WHEREAS, By resolution dated June 14, 2004 the Board referred to the Virginia Department of Transportation to conduct a traffic study on Turnberry Lane (SR1097) to determine the feasibility of reducing the speed limit; and

WHEREAS, The Resident Engineer has responded that a speed study has been completed by VDoT's Traffic Engineering Division; and

WHEREAS, As a result of the speed study, the Department of Transportation does recommend reducing the speed limit to 25 mph and signs will be installed as the work schedule permits.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of the Resident Engineer's report that a speed limit of 25 mph will be posted on Turnberry Lane and extends its appreciation to the Virginia Department of Transportation for the report.

**R-FY-05-142**  
**ACKNOWLEDGE SPEED STUDY**  
**SWITCHBACK ROAD (SR719)**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors received a petition from concerned citizens requesting a speed study on Switchback Road (SR 719) beginning at Vickers

Switch Road and ending at Crab Creek Road in order to increase the speed limit from 25 mph to 35 mph; and

WHEREAS, By resolution dated July 26, 2004 the Board referred said request to the Virginia Department of Transportation for a traffic study on Switchback Road (SR 719) to determine the feasibility of increasing the speed limit; and

WHEREAS, The Resident Engineer has responded that a speed study has been completed by VDOT's Traffic Engineering Division; and

WHEREAS, As a result of the speed study, the Department of Transportation does not recommend increasing the speed limit at this time due to the geometrics of the roadway.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of the Resident Engineer's report recommending that the speed limit not be increased on Switchback Road (SR 719) and extends its appreciation to the Virginia Department of Transportation for the report.

**R-FY-05-143**  
**ADDITION TO THE SECONDARY SYSTEM**  
**OF STATE HIGHWAYS**  
**COALWOOD WAY AND TREETOP RIDGE ROAD**  
**COAL BANK RIDGE SUBDIVISION**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Montgomery County; and

WHEREAS, The Resident Engineer for the Virginia Department of Transportation has advised the Board of Supervisors the streets meet the requirements established by the Subdivision Requirements of the Virginia Department of Transportation; and

WHEREAS, After examining ownership of all property abutting the street, this Board finds that speculative interest does not exist

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements:

**ADDITION:**

Coal Bank Ridge Subdivision

<u>Name of Street:</u>	<u>Length</u>
<b>Coalwood Way (SR 1120 )</b>	
From: SR 649	.37 mi
To: Treetop Ridge Road (SR 1121)	
Plat Recorded: 12/8/2003	
Plat Book: 24 Page: 131 &132	

<b>Coalwood Way (SR 1120 )</b>	
From: Treetop Ridge Road (SR 1121)	
To: Cul-de-Sac	.04 mil
Plat Recorded: 12/8/2003	
Plat Book: 24 Page: 131 &132	

<b>Treetop Ridge Road (SR 1121)</b>	
From: Treetop Ridge Road (SR 1121)	
To: Cul-de-Sac	.64 mi
Plat Recorded: 12/8/2003	
Plat Book: 24 Page: 131 &132	

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 50', as described, and any necessary easements for cuts, fills, and drainage; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**R-FY-05-144**  
**PROCLAMATION**  
**“READ ACROSS AMERICA”**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The citizens of Montgomery County stand firmly committed to promoting reading as the catalyst for our students’ future academic success, their preparation for America’s jobs of the future, and their ability to compete in a global economy; and

WHEREAS, The Montgomery County School Board has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community’s well being and long-term quality of life; and

WHEREAS, The National Education Association’s (NEA) “Read Across America”, a national celebration of Dr. Seuss’s birthday, March 2, 2005, promotes reading and adult involvement in the education of our community’s students.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia calls on its citizens to assure that every child is in a safe place reading together with a caring adult on March 2, 2005.

BE IT FURTHER RESOLVED, The Board of Supervisors enthusiastically endorses NEA's "Read Across America" and recommits our community to engage in programs and activities to make America's children the best readers in the world.

### **OLD BUSINESS**

#### **R-FY-05-145 REMOVE FROM THE TABLE FIRE AND RESCUE COMMISSION BY-LAWS**

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisor of the County of Montgomery, Virginia hereby removes from the table the Fire and Rescue Commission By-Laws.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Annette S. Perkins	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	
Gary D. Creed	

#### **R-FY-05-146 FIRE AND RESCUE COMMISSION APPROVAL OF BY-LAWS**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the Fire and Rescue Commission by-laws as follows:

**BY-LAWS  
FOR THE COUNTY OF MONTGOMERY  
FIRE AND RESCUE COMMISSION**

The Montgomery County Fire and Rescue Commission, established in conformance with the resolution adopted by the Board of Supervisors of the County of Montgomery, Virginia on **October 25, 2004** and the Board of Supervisors has approved the following by-laws:

**ARTICLE I**

That there is hereby created a Commission to be known as the Montgomery County Fire and Rescue Commission, hereinafter referred to as “the Commission”.

**ARTICLE II  
Purpose of the Commission**

The purpose of the Commission is to serve in an advisory capacity to the Board of Supervisors with respect to:

1. Reviewing capital equipment needs for fire and rescue operations in Montgomery County.
2. Effectively communicating future fire and rescue capital needs for Montgomery County.
3. Working with the County Emergency Services Coordinator to make recommendations to the Board of Supervisors in developing a comprehensive strategic plan for fire and rescue services in Montgomery County.
4. Making funding recommendations based upon the plan, and upon compliance with other requirements established by the Board of Supervisors.
5. The Fire and Rescue Commission shall work with the Emergency Services Coordinator to establish countywide response goals for fire and rescue incidents.
6. Any other matters concerning fire and rescue services in Montgomery County as identified by the Board of Supervisors.

**ARTICLE III  
Membership**

Section 1. The Commission shall be appointed by the Montgomery County Board of Supervisors and shall consist of thirteen (13) voting members. The appointed term shall be three (3) years. Upon expiration of their original terms of office, each succeeding term shall be for three (3) years and until their successors qualify for office.

- Section 2. The Commission membership appointed by the Board of Supervisors shall include the following members:
- One member (Fire Chief, or designee) from each of the volunteer fire departments throughout the County.
  - One member (rescue Chief or Captain, or designee) from each of the volunteer rescue squads throughout the County.
  - A staff member recommended from each jurisdiction (3) (Towns of Blacksburg, Christiansburg, and the County of Montgomery) knowledgeable of their locality's capital budget.
  - One member of the Board of Supervisors
  - The Emergency Services Coordinator shall serve as a non-voting ex-officio member of the Commission.
- Section 3. The Board of Supervisor may remove any member of the Commission for misconduct or neglect of duty.
- Section 4. Three consecutive absences may constitute grounds for removal except in cases of sickness or emergency.
- Section 5. A vacancy occurs upon the date an elected official or appointed official leaves office or the date a Chief or Captain of the volunteer Fire Department or Rescue Squad is no longer regarded as an active member of their respective agency. Active membership is defined as a member elected or appointed to perform a specific task for their agency. Active does not have any correlation with the agencies titles for the member. i.e., a life member of an agency may be a member of the Commission. A vacancy shall be reported to the Board of Supervisors and shall be filled by the Board of Supervisors in the same manner as original appointments except that the term of office is restricted to the unexpired term of office. The Commission member fulfilling the unexpired term may be reappointed at the end of the term.
- Section 6. Commission members may be compensated as the governing body so directs. Members may be reimbursed for travel and subsistence to professional meetings, conferences, and workshops with such reimbursement being made in compliance with the general policies of Montgomery County.

#### **ARTICLE IV**

##### **Officers**

- Section 1. The officers of the Commission shall be a Chairman, Vice Chairman, and Secretary. The officers shall be elected by the membership at the organizational meeting in January to serve for one (1) year or until a successor shall be elected.

- Section 2. The Commission shall adopt by-laws and regulations governing its procedures that are not inconsistent with the provisions of the state law. All by-laws and amendments to the by-laws shall be approved by the Board of Supervisors prior to enactment.

## **ARTICLE V**

### **Meetings**

- Section 1. Regular meetings shall be held at least once each month during the year unless there is no business to discuss. The meeting dates shall be established at the organizational meeting in January.
- Section 2. Special meetings may be called by the Chairman or on written request to the Chairman of at least two members.
- Section 3. All regular meetings are to be established at the organizational meeting in January.
- Section 4. The meetings shall convene at 7:00 p.m. at the County Government Center unless otherwise agreed.
- Section 5. The first regular meeting in January of each year shall be called the organizational meeting. The purpose of this meeting shall be the election of officers, and other business that may need to come before such meeting.
- Section 6. Seven (7) voting members shall constitute a quorum at any regular or special meeting.
- Section 7. All meetings are open to the public and are subject to the Freedom of Information Act.
- Section 8. Meetings shall be conducted in accordance with procedures prescribed in the bylaws. All decisions of the Commission shall be made only after full consideration of the issue(s) involved.
- Section 9. Robert's Rules of Order, revised, should be observed except as otherwise specified by the Commission's bylaws, rules and regulations. The Rules of Order may be suspended upon unanimous approval of the members present.
- Section 10. The following shall be the order of the Commission:
- a. Declaration of Quorum and Call to Order
  - b. Consideration of minutes of last meeting and of any special meetings held subsequently and their approval or amendment.
  - c. Reports of standing committees

- d. Reports of special committees
- e. Old business
- f. New business
- g. Adjournment

## **ARTICLE VI**

### **Duties and responsibilities of the Commission**

- Section 1. The Fire and Rescue Commission serves in an advisory capacity to the Montgomery County Board of Supervisors. The Commission shall review fire and rescue equipment needs in the County and make recommendations as deemed necessary. Official recommendations from the Commission may be passed through the Board of Supervisors member of the Commission to the Board of Supervisors.
- Section 2. The Commission shall work with the County Emergency Services Coordinator to make recommendations to the Board of Supervisors in developing a comprehensive strategic plan for fire and rescue services in Montgomery County.
- Section 3. The Commission shall make funding recommendations based upon the comprehensive strategic plan, and upon compliance with other requirements established by the Board of Supervisors.
- Section 4. The Commission shall work with the Emergency Services Coordinator to establish countywide response goals for fire and rescue incidents.
- Section 5. Financial Duties and Responsibilities – The Commission shall have no authority to enter into any contract or incur any obligation binding the governing body of Montgomery County.

## **ARTICLE VII**

- Section 1. **County Emergency Services Coordinator** shall have the responsibility to advise the Commission on organizational and working relations matters, explain program objectives to them, assist them in details of the organization. The Emergency Services Coordinator is an ex-officio member (by virtue of the office) and attends Commission meetings. The Emergency Services Coordinator shall keep the Commission informed concerning the interest, needs, objectives, programs, plans, and other factors concerning fire and rescue in the County. The Emergency Services Coordinator shall be the official medium of communication between fire and rescue volunteers and the Commission to the Board of Supervisors.

- Section 2. **Chairman's Duties.** The chairman shall preside at all meetings, appoint committees, call special meetings when deemed advisable, and perform all such duties as usually handled by a chairman except when such duties are properly delegated.
- Section 3. **Vice Chairman Duties.** The Vice Chairman, in the absence of the Chairman, shall perform all the duties of the Chairman. In the absence of both the Chairman and Vice Chairman, the Commission shall elect a Chairman Pro Tempore who shall perform the duties of the Chairman. The Vice Chairman shall be charged with the responsibility to see that standing and temporary committees function as planned by the Commission.
- Section 4. **Secretary's Duties.** The Secretary shall perform the usual duties pertaining to the office. The Secretary shall keep or cause to be kept a full and true permanent record of all meetings of the Commission. This includes recording minutes for all regular and special meetings, plus reports of standing committees and shall be the custodian of all documents committed to his or her care. The Secretary shall issue or cause to be issued notices of regular and special meetings. Also, the Secretary must insure minutes of the previous meeting to the Commission members prior to all meetings.

## **ARTICLE VIII**

- Section 1. The Fire and Rescue Commission shall make full and complete reports to the Board of Supervisors at such times as may be requested and at such other times as the Commission may deem proper. The fiscal year of the Commission shall conform to the fiscal year of the County of Montgomery.

## **ARTICLE IX**

- Section 1. Amendments. These bylaws may be amended at any regular meeting of the Commission by a majority vote of the entire Commission, provided previous notice of the nature of any proposed amendment shall have been given at least one regular meeting before the action thereon shall be taken.

Any amendments to the bylaws must also have the approval of the Board of Supervisors prior to going into effect.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	
James D. Politis	
Gary D. Creed	

**R-FY-05-147**  
**RESOLUTION TO AMEND THE**  
**TERM OF OFFICE TO THE**  
**PEPPER'S FERRY REGIONAL WASTEWATER**  
**TREATMENT AUTHORITY**

On a motion by Doug Marrs, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The Articles of Incorporation of the Pepper's Ferry Regional Wastewater Treatment Authority (PFRWTA) dated November 20, 1979 provided that members thereof shall be appointed by the Board of Supervisors for terms of four (4) years; and

WHEREAS, It appearing that the resolution of the Board of Supervisors adopted January 12, 2004 appointing Annette S. Perkins as a member of the PFRWTA specifies a term for less than four years; and

WHEREAS, The purpose of this Resolution is to correct the initial appointment made by the Board of Supervisors of Ms. Perkins to the PFRWTA from a one year term to a four year term as required by the PFRWTA.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, that the Board hereby agrees that the resolution adopted by the Board of Supervisors on January 12, 2004 appointing Annette S. Perkins for a one year appointment to the PFRWTA is hereby corrected to provide that Ms. Perkins' appointment to the PFRWTA shall be for a term of four (4) years starting January 1, 2004 and ending December 31, 2007.

BE IT FURTHER RESOLVED, By the Board of Supervisors, that Ms. Perkins' appointment to the PFRWTA shall be conditioned upon Ms. Perkins remaining in office as a member of the Montgomery County Board of Supervisors and should Ms. Perkins leave office as a member of the Montgomery County Board of Supervisors it shall constitute as a voluntary resignation from the PFRWTA.

BE IT FURTHER RESOLVED, By the Board of Supervisors, that any and all actions of the Authority as a body and by members thereof which have or may be questioned solely as a result of this said appointment are hereby ratified approved and made stable forever.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	
James D. Politis	
Annette S. Perkins	
Gary D. Creed	

### **NEW BUSINESS**

#### **R-FY-05-148 CHANGE TO THE FY 04-05 POSITION CLASSIFICATION PLAN**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves and authorizes the following change to the FY 2004-2005 Position Classification Plan:

Addition of New Position  
Sheriff's Office - Deputy Part-Time Pay Grade 15

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Steve L. Spradlin	
James D. Politis	
Annette S. Perkins	
John A. Muffo	
Gary D. Creed	

**R-FY-05-149**  
**FY 2004-2005**  
**REVENUE SHARING PROJECTS**

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

WHEREAS, In Fiscal Years 2004-05, the County of Montgomery elected to participate in the Virginia Department of Transportation Revenue Sharing Program for 9999-060-220, P401 (UPC 72639) for a total of \$144,468.00 county match and \$144,468.00 state match; and

WHEREAS, Project 9999-060-220, P401 (UPC 72639) is being cancelled because of changes in priorities; and

WHEREAS, The Montgomery County Board of Supervisors would like to adopt the following three locations as a Revenue Sharing project:

Route 617, spot widening Fr: Route 601 To: 0.6 mi. S. Route 601  
Route 660, spot widening Fr: Route 661 To: 1.1 mi. W. Route 661  
Route 669, drainage improvement Int. Route 9267

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia would like to transfer the funds from Project 9999-060-220, P401 (UPC 72639) as follows:

1. 9999-060-220, P401 (UPC 72639) \$75,000 county share and \$75,000 VDOT share to the new Route 617 spot widening project at the location defined above
2. 9999-060-220, P401 (UPC 72639) \$50,000 county share and \$50,000 VDOT share to the new Route 660 spot widening project at the location defined above
3. 9999-060-220, P401 (UPC 72639) \$19,468 county share and \$19,468 VDOT share to the new Route 669 drainage improvement project at the location defined above

BE IT FURTHER RESOLVED, That the Montgomery County Board of Supervisors requests that the Revenue Sharing funds in the amount of \$288,936 be transferred from Project 9999-060-220, P401 (UPC 72639) to the new projects listed and described above.

Adopted this 14<sup>th</sup> day of February 14, 2005.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs  
Steve L. Spradlin  
James D. Politis  
Annette S. Perkins  
John A. Muffo  
Mary W. Biggs  
Gary D. Creed

NAY

None

**R-FY-05-150  
WILDFIRE MITIGATION PLAN  
STRATEGIC PLAN FOR  
WILDFIRE HAZARD REDUCTION**

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried unanimously,

WHEREAS, On December 13, 2004, The Strategic Plan for Wildfire Hazard Reduction for Montgomery County was presented to the Board of Supervisors; and

WHEREAS, The purpose of the Montgomery County Strategic Plan for Wildfire Hazard Reduction is to help Montgomery County and woodland home owners to better understand their wildland fire situation; and

WHEREAS, The plan identifies communities that are at risk from wildfire and other fire hazards and identifies mitigation plans for identified hazards as well as resources needed, including training, to minimize the associate risks; and

WHEREAS, The New River-Highland Resource Conservation and Development (RC&D) recommends the adoption of this plan and to implement mitigation activity identified in the strategic plan.

NOW, THEREFORE BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby adopts the Montgomery County Strategic Plan for Wildfire Hazard Reduction as presented by the New River-Highland RC& D.

The vote on the foregoing resolution was as follows:

AYE

Steve L. Spradlin  
James D. Politis  
Annette S. Perkins  
John A. Muffo  
Mary W. Biggs  
Doug Marrs  
Gary D. Creed

NAY

None

**R-FY-05-151**  
**SHAWSVILLE RURITAN CLUB**  
**REQUEST FOR ADDITIONAL STREET LIGHTS**

On a motion by Doug Marrs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the County Administrator to write a letter effectively amending its ten year contract with American Electric Power Company on behalf of the Shawsville Ruritan Club to provide 16 additional street lights in Shawsville.

BE IT FURTHER RESOLVED, That all bills shall continue to be paid by the Shawsville Ruritan Club.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Annette S. Perkins	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	
Gary D. Creed	

**R-FY-05-152**  
**TABLED**  
**NEW RIVER DEVELOPMENT CORPORATION**  
**REQUEST FOR FUNDING**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia that the New River Development Corporation request for funding is hereby **TABLED** to the February 28, 2005 Board meeting in order to invite representatives with the New River Development Corporation to discuss their request at the February 28, 2005 meeting.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	
James D. Politis	
Gary D. Creed	

**R-FY-05-153**  
**OLD BLACKSBURG MIDDLE SCHOOL**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of a resolution adopted by the Montgomery County School Board on January 11, 2005 concerning the disposition of the old Blacksburg Middle School and associated property located at 501 South Main Street, Blacksburg, Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	
James D. Politis	
Annette S. Perkins	
Gary D. Creed	

**INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Building C Renovations

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	

### **Montgomery County Government Center - Building C Renovations**

The County Engineer and County Administrator provided an update on the proposed improvements to Building C consisting of 42,000 square feet for future use by the courts during renovations to the existing courthouse. They also described increases in cost estimates and options for modifying the building development. The County Administrator requested permission to proceed with issuing an Invitation for Bid on the project.

### **OUT OF WORK SESSION**

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

#### **AYE**

Doug Marrs  
Steve L. Spradlin  
Annette S. Perkins  
James D. Politis  
John A. Muffo  
Mary W. Biggs  
Gary D. Creed

#### **NAY**

None

### **R-FY-05-154 AUTHORIZATION TO PROCEED WITH ISSUING AN IFB FOR THE RENOVATION OF BUILDING C**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the County Administrator to proceed with issuing an Invitation for Bids (IFB) for the renovation of Building C at the Montgomery County Government Center.

The vote on the foregoing resolution was as follows:

#### **AYE**

Steve L. Spradlin  
James D. Politis  
Annette S. Perkins  
John A. Muffo  
Mary W. Biggs  
Doug Marrs  
Gary D. Creed

#### **NAY**

None

## **COUNTY ADMINISTRATOR'S REPORT**

**Special Meeting – Board of Supervisors** The County Administrator suggested the Board of Supervisors hold a special meeting on Monday, February 21, 2005 in order to discuss budget issues, primarily health insurance costs.

It was the consensus of the Board to schedule a meeting on Monday, February 21, 2005 at 6:00 p.m. in the County Administration Conference Room.

**Rural Addition Program – Private Streets** The County Administrator explained briefly that Montgomery County does not comply with the new regulation effective July 1, 2005, with private streets. As stated earlier in tonight's meeting, the County Administrator and County Attorney will meet with the Planning Director and VDOT to discuss this issue in detail.

**Refinancing County Debt** The County Administrator reported that recently the Board of Supervisors authorized the refinancing of the IDA's debt for the Blacksburg Technology Building, which resulted in a three-year savings of over \$200,000. The County Administrator requested the County's Financial Consultant, Courtney Rogers of Davenport & Co., to examine the County's debt and provide a recommendation as to potential net savings from the refinancing of other loans. Mr. Rogers will present his findings to the Board of Supervisors at the February 28, 2005 meeting.

**Towing Advisory Board** The County Administrator reported the complaint submitted by Supervisor Marris regarding a towing issue was forwarded to the Montgomery County Sheriff. Sheriff Whitt has responded by letter that the complaint was forwarded to the Chairman of the Towing Advisory Board and to Sergeant King with the Virginia State Police. The Towing Advisory Board is still developing its by-laws and once in place, the Towing Advisory Board will begin reviewing complaints.

**Planning Commission Appointments** – The County Administrator reported that 10 applicants were interviewed for the Planning Commission. Recommendations will be provided to the Board of Supervisors at their February 28, 2005 meeting.

**Sound System – Board of Supervisors Meeting Room** The County Administrator reported that staff is looking into the possibility of using wireless microphones during meetings. He believes this will enhance the current sound system.

## **BOARD MEMBERS' REPORT**

Supervisor Marris received a letter from Andrew Schenker, who spoke earlier tonight under Public Address, about the Blacksburg Ellett Nature Park. Supervisor Marris submitted a copy of the letter to the County Administrator.

**Supervisor Spradlin** reported that Margie “Dotty” Dillion, an elder in the McCoy community passed away at the age of 105 on February 12, 2005.

**Supervisor Biggs** attended the Virginia’s First Regional Industrial Facility Authority meeting along with the County Administrator. Supervisor Biggs stated that Bob Isner and Brian Hamilton are alternates on this Authority.

**School Board Meeting** – Supervisor Biggs reported that the School Board has narrowed the list of finalists for the Superintendent position down to three people.

**Supervisor Perkins** attended the Virginia Tech/Montgomery Regional Airport Authority meeting. She reported the Airport Authority is still working on identifying property in the RBZ zone that will have to be sold or abandoned.

**New River Valley Free Clinic** Supervisor Perkins asked the status of repairs at the NRV Free Clinic. The County Administrator reported that the repairs are 60-70% complete. The Free Clinic has a temporary office set up in the Crowgy Building until the repairs are completed.

**Supervisor Muffo New River Valley Community Services Board** Supervisor Muffo thanked the NRVCSB for presenting the video to the Board of Supervisors. He is the Board of Supervisors representative on this Board. Supervisor Muffo also distributed a copy of the FY 05 Local Funding Per Capita – Statewide for community services to the Board of Supervisors. The state average for per capita funding is \$24.62, average per capita funding for the NRVCS is \$1.68. Montgomery County is the fourth lowest funding locality in state at \$1.19, with Franklin County being the lowest at \$.94. NRVCS’s state ranking is 38 out of 40 Community Services Boards.

**Supervisor Creed** attended the Chairperson’s Institute sponsored by Virginia Association of Counties. Supervisor Creed shared information on the following three issues:

1. Cash Proffers –Spontsvania County has a cash proffer of \$22,000 for a 3 bedroom house.
2. Tax Exemption for the Elderly and Handicapped – He asked that this issue be added to a future board agenda to be discussed.
3. Board Representation on boards/committees – VACo recommends that board representation of committees be as a liaison instead of a voting member.

**INTO CLOSED MEETING**

On a motion by John A. Muffo, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.3-3711                      (1)      Discussion, Consideration or Interviews of Prospective Candidates for Employment, Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Planning District Commission

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Annette S. Perkins	
Steve L. Spradlin	
Doug Marrs	
Mary W. Biggs	
Gary D. Creed	

### **OUT OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Annette S. Perkins	
Steve L. Spradlin	
Doug Marrs	
Mary W. Biggs	
Gary D. Creed	

### **CERTIFICATION OF CLOSED MEETING**

On a motion by James D. Politis, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

John A. Muffo  
James D. Politis  
Annette S. Perkins  
Steve L. Spradlin  
Doug Marrs  
Mary W. Biggs  
Gary D. Creed

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

## APPOINTMENTS

### **R-FY-05-155 APPOINTMENT TO PLANNING DISTRICT COMMISSION**

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Michael W. Harvey** to the Planning District Commission effective February 15, 2005 and expiring February 14, 2008.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
Doug Marrs	
Steve L. Spradlin	
Mary W. Biggs	
Gary D. Creed	

## ADJOURNMENT

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously, the Board adjourned to Monday, February 21, 2005 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	

The meeting adjourned at 11:45 p.m.

APPROVED: _____	ATTEST: _____
Gary D. Creed	B. Clayton Goodman, III
Chair	County Administrator